



# **County of San Diego**

## **RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN**

### **Community Development Block Grant HOME Investment Partnerships Program**



**DEPARTMENT OF HOUSING AND COMMUNITY  
DEVELOPMENT**

3989 RUFFIN ROAD, SAN DIEGO, CALIFORNIA 92123-1890

## **COUNTY OF SAN DIEGO CONSORTIUM**

### **RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN FOR HOME AND CDBG PROGRAMS**

#### **I. PURPOSE:**

This plan is written in accordance to Section 104(d) of the Housing and Community Development Act of 1974, as amended. Its objective is to insure that persons displaced as a result of Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) assisted projects receive the benefits they are entitled to as mandated by federal laws.

#### **II. POLICY**

- (a) *Minimizing Permanent displacement:* The San Diego County Consortium (“County”) will minimize displacement of families and individuals from their homes and neighborhoods as a result of activities assisted with funds provided under the HOME Investment Partnerships and Community Development Block Grant programs. The County will replace all occupied and vacant occupiable lower income housing demolished or converted to a use other than lower income housing under the Housing and Community Development Act of 1974, as amended. Lower income housing is defined here as housing with a market rent (including utility costs) that does not exceed the San Diego regional Fair Market Rent (FMR), as determined and revised each year by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 program.

All replacement housing will be provided within three years after commencement of the demolition or conversion. Before entering into a contract committing the County to provide funds for a project that will directly result in demolition or conversion, the County will make public, through a Notice of Availability that references a project description available at the County Department of Housing and Community Development, and submit to HUD the following information in writing:

1. Description of proposed assisted project;
2. Address, number of bedrooms and map of location of lower income housing that will be lost as result of the project;
3. Time schedule for start and completion of demolition or conversion;
4. To the extent known, address, number of bedrooms and map of location of replacement housing that has been or will be provided;

5. Source of funding and time schedule for provision of replacement housing;
6. Basis for concluding replacement housing will remain lower income housing for at least 10 years from date of initial occupancy; and
7. Information demonstrating that any proposed replacement of housing units, that are different in size from those units lost, is appropriate and consistent with housing needs and priorities identified in the approved Consolidated Plan.

To the extent that the specific location of the replacement housing and other data are not available at the time of the submission, the County will identify the general location of such housing on a map and complete the disclosure and submission as soon as data are available.

The County of San Diego Department of Housing and Community Development (858-694-4817), is responsible for tracking the replacement of lower income housing and ensuring that it is provided within the required period. Relocation payments and other relocation assistance, to any lower income person displaced by the demolition or conversion of lower income housing to another use, will be provided by the subrecipient of HOME or CDBG funds for the assisted project. No waiver for relocation assistance will be accepted.

(b) *Temporary Relocation:* The following policies cover residential tenants who will not be required to move permanently but who must relocate temporarily for the development. Such tenants must at a minimum be provided:

1. Reimbursement for all reasonable out of pocket expenses incurred in connection with the temporary relocation, including the cost of moving to and from the temporary occupied housing and any increase in monthly rent/utility costs at such housing.
2. Appropriate advisory services, including reasonable advanced written notice of (i) the date and approximate duration of the temporary relocation; (ii) the address of the suitable, decent, safe, and sanitary dwelling to be made available for the temporary period; (iii) the terms and conditions under which the tenant may lease and occupy a suitable, decent, safe, and sanitary dwelling in the building/complex upon completion of the project; and (iv) the provisions in the Notice of Nondisplacement in which persons who are not to be displaced must be provided a notice explaining the reasonable terms and conditions under which they may lease and occupy the property upon the completion of the acquisition or rehabilitation. It is important that this notice be provided as soon as possible. In addition, agencies must offer all residential displaced persons transportation to temporary replacement housing.

(c) *Step to minimize displacement:* Consistent with the goals and objectives of activities assisted under the HOME and CDBG programs, the County, at a

minimum, will take the following steps to minimize direct and indirect displacement of persons from their homes:

1. Stage rehabilitation of apartment units, where possible, to allow tenants to remain in the building/complex during and after rehabilitation, working with empty units first;
2. Arrange for facilities to house persons who must be relocated temporarily during rehabilitation;
3. Arrange for acceptable replacement units;
4. Arrange for appropriate advisory services at the levels described in 49 CFR part 24, including advanced written notice of date and approximate duration of temporary relocation, location of suitable, decent, safe, and sanitary dwelling to be made available for the temporary period. The terms and conditions under which a tenant may lease and occupy a suitable, decent, safe, and sanitary dwelling in the building/complex upon completion of the project. In addition, agencies must offer all residential displaced persons transportation to temporary replacement housing; and
5. Adopt an appeals process for those persons who disagree with the determination concerning whether they qualify as a displaced person, or the amount of relocation assistance for which they may be eligible, including the opportunity to file a written appeal of that determination with the County. A low-income person who is dissatisfied with the County's determination of his or her appeal may submit a written request for review of that determination to the HUD field office.

### **III. DEFINITIONS**

**Displaced Person:** Any person that moves from real property, or moves his or her own personal property from real property as described in the Uniform Relocation Assistance and Real Property Acquisition Policies Act.

**Lower-Income Dwelling Unit-** A dwelling unit with a market rent (including utility costs) that does not exceed the applicable Fair Market Rent (FMR) for Section 8 existing housing established under CFR part 888. However, the term does not include any unit that is owned and occupied by the same person before and after the assisted rehabilitation.

**Lower-and Moderate-Income Person-** A "low and moderate income person" as that term is defined in 24 CFR part 570.3- means a member of a family having an income equal to or less than the Section 8 low-income limit established by HUD.

**Vacant Occupiable Dwelling Unit-** A dwelling unit that is in standard condition; a vacant dwelling unit that is in substandard condition, but is suitable for rehabilitation;

or a dwelling unit in any condition that has been occupied (except by a squatter) at any time within the period beginning 3 months before the date of execution of the agreement by the County covering the rehabilitation or demolition.

**References:**

1. Uniform Relocation Assistance and Real Property Act of 1970 (URA), as amended, which covers all HUD assisted programs and projects;
2. Housing Community Development Act of 1992 (Public Law 102-550).
3. 49 CFR Part 24, which contains the government-wide regulations implementing the URA of 1970.
4. Handbook 1378 Tenant Assistance Relocation and Real Property Acquisition
5. WebLink <http://www.hud.gov/offices/cpd/library/relocation/policyandguidance/index.cfm>  
24 CFR Part 42 for CDBG or HOME funds